

OBSERVATIONS

ON THE MODE OF ELECTING
4.
REPRESENTATIVES IN PARLIAMENT
FOR THE CITY OF BRISTOL,
WITH A PROPOSED REFORM.

A VIEW TO THE
BRISTOL ELECTION CASE, IN MDCCLXXIV,
AS REPORTED BY MR. DOUGLAS,
AND THE LATE RETURN OF MR. BRICKDALE
AND MR. CRUGER;
TOGETHER
WITH AN EXAMINATION INTO THE MERITS
OF MR. DAUBENY'S PETITION
AGAINST MR. CRUGER.

By M. DAWES, *Barrister at Law*
OF THE INNER-TEMPLE, ESQ.

*Si tibi vera videtur dede manus,
Si non, accingere contra.*

BRISTOL:
PRINTED FOR J. LLOYD, IN WINE-STREET.
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MDCCLXXXIV.

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OF MR. DOUGLAS'S
AGAINST



BY M. D. A. W. E. S.

OF THE INNER-TABLE, ESQ.

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TO THE
C O R P O R A T I O N

GENTLEMEN,

THE opportunity I have had of discovering the cause of all those disagreeable effects too much complained of at the election of members of parliament for the rich and respectable city of Bristol, has induced me to consider it with attention. I was a total stranger to it, until lately called in on the part of Mr. Cruger, while competitor with Mr. Daubeney for the honorable and important office of a representative in the House of Commons.

But the various electioneering frauds and machinations, committed in your city, which in my opinion, burlesqued the very name of liberty, requiring

quiring correction, and no person appearing to stand forth to direct the eye of parliament towards the evil produced by them, I have thrown a few cursory thoughts upon paper on the subject of a reform, in the mode of electing representatives for Bristol in future.

Stranger as I am in that city, all I can engage for is, that I dedicate my sentiments to you with all possible sincerity and respect, not doubting but you will readily co-operate in bringing a reform to maturity, and rejoice in the means that may produce it. I have endeavoured to mark the road to it, which pursued with earnestness may answer the wished for purpose, and end in success. The honor of Bristol, and the peace and purity of elections, are my objects. Let these be procured, and you will partake of the enjoyment at present on all sides desirable.

I have the honor to be,

GENTLEMEN,

Your most obedient humble servant,

M. D A W E S.

HOTWELLS, Aug. 18, 1784.

S E C T I O N I.

NOTWITHSTANDING some of the best writers in this country have laid down theories, respecting political liberty, the most beautiful in appearance, and promising of excellent advantages, such is the practice of mankind, that it has been difficult to make them correspond. Whoever examines into the merits of the English constitution, will be sufficiently employed in distinguishing between the good produced by parliamentary representation, as now established, and the good proposed by those who aim at making it less of property than of persons, and at encreasing the number of representatives. While to prevent disorderly and tumultuous assemblies, freeholders and burgeses are under a particular description, as worthy of being concerned in elections, it is thought no description of them should be exempted from a choice in their representatives: for that it is their persons and not their property, that principally require security. But agreeable as this may be with the nature and dignity of man, the inconvenience that would attend, might overfet the good expected from it. Man at best is a turbulent, unruly animal; subject

to disorder, and to rebel against his own laws, accordingly as his passions be warmed by faction, favor or intemperate zeal. He has ever stood in need of a bridle; and it were idle and vain to give him a power of electing another, when he wants power and inclination to govern himself. On this cautious principle our envied constitution excludes every one from an actual appointment of representatives, but such as are not disqualified by non-age, or the possession of too little property; and as such appointment politically arises from these, to these at stated times has that constitution assigned its return.

The duration of parliament, after the election of representatives, has long been matter of declamation.—Septennial and triennial parliaments have had their trial, and much may be said in favor of both. If the former be too long, and throw into the hands of a Minister too much power, or separate the representatives too much from the constituents, the latter by being too short, interrupts the business of the nation, in the loss of time taken up by petitions and contests. Probably annual parliaments, like the annual choice of overseers of the poor, might tend to cure the mischiefs either way; yet this would make every parliament a new one, on every call. It might go far in preventing the enormous expences of competition, but few men would be found willing to come forward to do the national offices when assured that their tenure in parliament was limited; and they were annually subject to the *caprice* of their electors. Looking therefore at the question in regard to the length of parliaments, under every form and position, whatever may be said (and a great deal may be said) in favor
either

either of annual, triennial, or septennial parliaments respectively, it may be presumed that the latter, as established for now near 70 years, hath the highest advantages amidst all its ideal inconveniences: for long as it may be thought, it is in the power of the King who calls it to put an end to it in a shorter time, as the political exigencies of the times may require.

It has long been a subject of complaint, that the elections of representatives produce riot and confusion, idleness, and dissipation among the people, to the injury of manufactories and trade; and strife, hatred, and unbounded expences among candidates, to the almost irreparable injury of themselves and families. This has brought moderate men to conclude that something more was at the heart of those who struggle to have seats in parliament than a love of their country and the good of their constituents. A prime minister who is at the head of the national treasure, which it is his duty as the first servant of the executive magistrate to employ for national purposes, has occasion for the assistance of many persons both in and out of parliament; and he very naturally engages those for his purpose, who are favourable to his politicks. But nothing that man can promise himself under him, will warrant the destruction of his fortune; and nothing but vanity and ambition are its apology. Party indeed often lightens the expences of a contested election, which then becomes the cause of many against many; yet here distress and ruin result to those, who in proportion to the riches of a candidate (standing alone,) have equally as much at stake in their little all, which they alike destroy in defence of their cause.

As unfortunately our experience of the people obliges us to say that their virtue is too much debauched to constitute them truly free; and as their natural dispositions with the ordinary exertions of their judgments are stifled by the vicious and seducing practices of their superiors, we ought at the time we censure their conduct, to pity their weakness. Few of them have a will of their own, whether as inferior freeholders in counties, or citizens in boroughs. The former consequently are under the dominion of their superiors, while the latter are influenced by their masters and employers; insomuch that the cause they are called upon to support, is the cause of a few, instead of an election by many. We may boast of liberty; but at elections it is found only in licentiousness. The people are let loose to choose their representatives, and candidates beguile their choice by their contaminating largesses. Authority frowns upon them. The dread of vengeance, or the promise of reward, either frightens away the freedom of their will, or forces their votes from them in contradiction to it. Power, wealth and corruption thus ensure to candidates success, and they thus purchase their elections *unfreely*, which ought rather to be the *unbiassed choice* of the elector's mind. Thus are Englishmen the objects of laughter in despotic countries, and in the most sacred moments when they should exert themselves with independance, they sell themselves to candidates for lucre and an idle day. No wonder then that while virtue is so little known among the former, so little is known of it among the latter, who once elected feel a secret contempt for their electors, and privately laugh them to scorn.

SECTION

S E C T I O N II.

IN no instance among all the elections in cities are the foregoing remarks more verified, than in the great and opulent city of Bristol. The freemen there are numerous, but tho' they are, and ever have been scattered all over the kingdom, and have been, on many occasions collected together for the purpose of voting, to the annoyance of the city, no law hath ever passed to regulate the mode of electing there, nor hath any determination been made by the House of Commons to direct and govern it; consequently on several contests the parties of Whig and Tory have come forward and declaring war against each other, they have separately contributed to favor a destined candidate. This encourages their agents to fawn and lie, flatter and promise, swear and deceive. They search out freemen from every corner of the country without regard to their disability as paupers or otherwise: and they drag them indiscriminately, like purchased slaves, in electioneering array before the returning officer, where they part with their votes by auction to the best bidder. It is true they first pass a kind of ordeal. Their qualifications are enquired into; but trusting to their ingenuity and previous instructions; and

and unawed by any penalty on detection, they often pass muster tho' in reality they are impostors; and on the contrary bear detection whenever it happens with undaunted smiles. Hence scarce a contested election has been known, but in the number of votes, some hundreds of bad ones have been discovered, when too late, to the inglorious pride of the successful, and the provoking disappointment of the defeated candidate, who is left remediless.

The qualification of voters at present required is, that they be of the age of 21—that they shall not have received alms or parish pay within 12 months before the election—that they shall be protestants—natural born subjects—and if freemen by purchase, that they shall have been so one year; but if by birth, servitude or marriage, that they may vote without that restriction. Our law books give us no instance of any thing done before the House of Commons except in 1735, when the usage of electing was examined into, but that the petition then presented was withdrawn, and except in 1774 when after a long hearing of the parties in contention, the grand question was taken no notice of, and the petition dropped nearly into oblivion, leaving no other traces of it, except what may be found in the ingenious and very useful reports of Mr. Douglas, who informs us that that part of the second petition which seemed to rest its success on the admission of votes by freemen, whose right accrued by their marriage of the daughters of freemen; or whose freedoms were dated after the teste of the writ of summons, and during the election, was not determined upon by the committee; owing, in all likelihood, to the conduct of the petitioner, who is said to have

have availed himself of such votes, and set an example, which being taken by his competitor, entirely defeated him.

The arguments in that case made use of on both sides were reduced to three questions:—1st. Whether a person may be elected who becomes a candidate after the day on which the election is appointed to be holden, and on which the poll commenced? 2d. Whether persons admitted to their freedoms after the date of the writ have a right to vote at such election? 3d. Whether the sitting members had been guilty of bribery? As to the first question, it was contended in favor of the petitioners, that an election in the eye of the law is completed on the *first day*, and 7th Hen. IV. Whitlock, Sir Ed. Coke, Plowden and several cases were cited to shew that the election should be made by the *persons present* on the *day appointed*, and that therefore no candidate was legally admissible at any *advanced* stage of the poll, which is only a numeration of votes, given at the election, meaning the day appointed for it, in order to know which of the candidates had then the majority. On the part of one of the sitting members it was answered, that any man lawfully qualified might be elected *with* or *without* his consent at *any time*, before the end of the poll; that voters not present on the first day might still give their voices; that the law considering the election to happen on that day is only by relation and legal fiction, like the term in Westminster-Hall and a session of parliament; that therefore the poll (however long it lasted) was the election and so considered by later statutes, and that there were cases, as well as reason and common sense to warrant the right of the sitting member to his place in parliament

liament. The committee being of the same opinion declared him eligible. On the 2d question, it being agreed on both sides (there being no determination of the house to the contrary) that the right of election in Bristol was in the freeholders of 40s. a year, and the free-burgesses, it was contended that by custom no person had a right to vote as a burgess who had been admitted *after the teste* of the writ, and several respectable witnesses rather imperfectly proved this custom. Yet it was urged that the writ being supposed to speak of electors *qualified to be so at the time when it issues*, it was a contradiction and a fraud to accept any votes of freemen who were admitted *after the teste* of the writ. On the other side it was argued that this custom was not proved, except by the agreement of the parties which could not alter the right of election, and that even if it had been proved, it could not affect men having an *antecedent inchoate right* to their freedom, which in some cases had been sufficient to entitle them to vote without admission either before or after the *teste* of the writ, consequently all persons who had an antecedent inchoate right in them *during the poll*, which was confirmed to them by the usual admissions recorded in the books of the corporation, after such *teste*, were good voters. The committee then having considered these arguments, determined that the sitting members were duly elected, whereby the second question arising out of the petitioner's complaint was determined against him, altho' nothing appears to have been said of those rights of voting by men, who claimed and exercised it, as the husbands of the daughters of freemen, to whom they had been married after the *teste* of the writ, apparently for the sake of voting against the petitioner, at the instance of his competitor. In these no antecedent inchoate

choate right of voting appears. It accrues in the instance of their marriages; and bears no relation to any previous time; yet the petitioner having as premised, procured votes, under this right for himself, before he complained of them against the sitting member, it was purposely left open for future discussion, as the necessity of a future occasion might require.

S E C T I O N III.

After the inconveniences dissipated upon the last election, than at present, on the admission at the late election in Bristol, of many votes, on both sides of the count by men who married the daughters of freemen, after the close of the war and during the bell.

But altho' it would be wrong to narrow the rights of electors or elections, to the injury of a fair and full representation, no man who wishes for the preservation of British freedom, will say that because representatives may be chosen without riot and disgrace, that any means which is to happy an end is to be pursued, can at all affect those rights. The very idea of representation is that the landed and trading part of the community shall be participant in its good government. If therefore in addition every man have a vote who possesses land to the value of four a year, and every mechanic or tradesman who is free in them, that is enough to the purpose, on a general principle. But where inconveniences and anomalies arise, productive of heavy expenses, collisions and occasionally by the calling in of freemen to vote who

S E C T I O N III.

AT no time can we be brought more seriously to consider the inconveniencies discarded upon in the last section than at present, on the admission at the late election in Bristol, of many votes, on both sides of the contest by men who married the daughters of freemen, after the teste of the writ and during the poll.

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who

who are *not* resident in the city, it is not to destroy their rights to exclude them from voting, unless they have been resident there a given time before the election. It is only to circumscribe and suspend one part of them, on conditions in their own power to perform. A difficulty might be supposed to arise by the exclusion of such votes, because in the number there may possibly be many who would voluntarily come from the most distant parts gratis, and vote for a particular candidate; and it might be a seeming hardship to deprive them of their votes, merely because they had not been resident a given time before the election; yet this would be a hardship only on the candidate for whom they would wish to vote, more than on those who would probably be glad to be excused from voting at all. At Worcester, Stafford, Shrewsbury, Sandwich, and many other places, the right of election is limited to residents who are properly citizens, which *non-residents* can scarcely be called, while they abandon the city they are free of, to the purposes of their carrying on trade, and are residents of *other* places wherein they are parishioners. Their exclusion, if it do not affect their rights as freemen, in every sense except voting, would not only prevent tumultuous assemblies, by the coming in of strangers, but it would give an agreeable opportunity to the inhabiting freemen to come forth without loss of time to vote, and without injury to themselves or employers. The number of such freemen being comparatively inferior, the election would shortly end in peace and quietness. Very few paupers would subject themselves to detection, because by an easy resort to the respective parish books, they would be discovered without perplexity, while it is impossible to detect paupers among the *non-residents*, who come from

distant parts; are unknown; and have been absent so long, that no intelligence can be obtained of their condition within the preceding year. The exclusion of these men would convert them into *neutrals*, and the election would be left entirely to those resident freemen who are known, and who would vote without inconvenience to themselves or others: and in regard to the *personating* freemen by *non*-freemen, who possess themselves of copies, once the property of men who are either dead, or if living, from whom they have been purloined or stolen, this would in the case of limiting the right of election to residents only, be less practised, thro' a greater apprehension of detection and reprobation, and greater care would be taken how any man either pretended to have lost a copy he never had granted him, or how he perjured himself in swearing to the fact, so as to entitle him to a certificate of his freedom from the Corporation. But as a prevention of frauds of this sort, which may be practised even under the best of regulations, every man tendering a vote, by a false copy, or certificate, should be subject to a fine of _____ with _____ months imprisonment, and on detection by the returning-officer, be committed to the custody of a constable, who should take him before a magistrate to be convicted in a summary way.

Were provisions like these reduced to a law, it would effect every good in practice that it promises in theory. The resident freemen, not disqualified by non-age, the receipt of alms, or otherwise, would then be the only electors, and all non-resident freemen be virtually represented through them.

Another

Another evil to be overcome is, the admission of men to their freedoms at the expence, or as it is called, *in the interest*, of a candidate, after the teste of the writ, and during the election, who either had or had not a prior right thereto. In the case at Leicester, in 1705, it was resolved, that no man made free *after the teste of the writ, at the expence of the candidate*, should vote, and the reason may be this:—the paying of this expence by a candidate. at the time of the election, is a purchase of the vote, and the consideration robs the voter of his free will, if it may not be deemed a species of bribery. In the case also at Bristol, in 1774, altho' it was urged that it was immaterial whether a man who had an antecedent inchoate right to his freedom, took it out *before or after* the election, yet the whole election being but one day regard should be had to its commencement, and no man be admitted to vote whose freedom is not previously dated. No other conclusion can be drawn from the contrary, but that it is the work of the candidate, and not the freeman, who tho' entitled to it by birth, servitude, or marriage, and therefore entitled to vote at any time before the election, procured it not of himself and at his own cost, but on the purchase of the candidate. Where a man is free by *purchase or donation* under favor, not of right, the law requires that his freedom shall be recorded 12 months before the election, to entitle him to a vote, otherwise it would be in the power of the corporation to give a turn to an election in favour of any candidate they pleased, by making freemen, honorary or otherwise, without number. This time therefore of admission is wisely prescribed by law in these cases, as a guard against improper influence, or the undue fabrication of votes for partial purposes; and no man made
free

free after the teste of the writ, at the expence of a candidate, should vote at that election, however good his vote should be at any other.

But the evil of all evils to be rooted out in the ultimate, is the admission of men to vote who obtained their freedoms *not only after the teste of the writ*, and at the expence of the candidate, but in right of marriage with the daughters of freemen. Here the sanctity of wedlock is made a mockery of. One of the sacraments is profaned, and the candidate who is privy to it, like a baptismal sponsor, becomes answerable in conscience, if he have any, for all the consequences. Many are the instances where he has brought the sexes together in the bonds of marriage at his own expence, *after the teste of the writ*, and for the sole purpose of procuring the faithless husband's vote in his favor; and as many are the instances where he has succeeded according to his wishes; and husbands and their abandoned wives have immediately after shaken hands, to part and meet no more. What is this but legal whoredom? The husband laughs at the solemnity of his promise. The wife rejoices at crowning her prostitution with marriage, and she continues to sin with shameless pride, until producing an illicit offspring, the parish is burthened with the fruits of her iniquity, and her husband is subject to maintain a harlot *professed*, as a wife only in *name*; or be imprisoned and constituted a pauper for the contrary.

Few exceptions can be made against the utter destruction of votes of this kind; and no man should be admitted to vote at any election, whose right accrues by marriage, unless it had been solemnized twelve months
before.

before. Every thing is to be feared that is wicked and shocking, in the admission of such votes. It is already well known that men have stood before the altar, and married the daughters of freemen, in *feigned names*, out of brothels, workhouses, and the very streets; and to little regard is had to an oath, or a fraud, that men have frequently applied to the corporation, with specious, but false stories, under which they have obtained either freedoms or certificates. For example, the sons and daughters of freemen must not only be born in wedlock, but within the precincts of the city, which if doubted by the corporation, or their officer, must be deposed. Yet it was proved almost incontestibly, at the late election, that a woman was born in Bedminster, after she, and a woman who said she had delivered her mother of her, had directly sworn that she was born in Bristol.— In this manner perjury, deceit, and a careless ridicule and contempt of the marriage ceremony take place, to the horror of private conscience, and to the perversion of the freedom and foundation of election. The corporation is grossly imposed upon, and the impostors themselves delight in their infamy, the moment they have answered the purpose of their candidate, and voted in his favor.

SECTION IV.

TO annul all votes and disqualify every man from voting who, *at all events*, obtains his freedom *after the teste of the writ*, whether by birth, servitude, or marriage; and to require, at least that they shall be free, a month or any other given time *before* the election commences, would radically cure the mischief complained of, in the admission of those obtained by base and dishonourable means to answer the private ends of an ambitious candidate, who is indifferent to the means, however horrid, whereby he gains his election.

If freemen by purchase are required by law to be recorded twelve months *before* an election to entitle them to vote, it is, as hath been furnished, to prevent the purposes of unfair occasionality. On the contrary, every man acquiring a right of freedom by marrying the daughter of a freeman, who by charter hath a *natural inherent right* to give it to her husband, is in some measure to be considered a *purchaser*, as in this case purchase and acquisition are synonymous, except indeed that the husband acquires the right *instantly* thro' his wife, while a man who *purchases* it acquires it by the act of the corporation,

ration, for which he pays a consideration. Allowing nevertheless that all freemen, by marriage, have at present a right to vote, the instant it be solemnized, it is contradictory to contend that when it accrues *after* the day appointed for the election, it shall be exerted as fully, as if it had accrued *before* that day. His wife had a right of *granting* it him *before* the election began; but if she did not *grant* it him, and had no power to exert it herself, as a woman, it cannot be inferred by any reasonable deduction that her *granting* it to him at any time *before* the close of the election, when it must be manifestly done to answer a partial end, entitles him to vote, as fully as if done by her before the writ for the election issued, as in strict justice and consistency it ought to be. This writ requires the proper officer to return two persons to parliament by a given time. Immediately on receipt of it he proclaims his royal summons, and on an appointed day proceeds in their election, by those persons only who are qualified to choose them. But how can it be said that any man is qualified to this end, who was *unqualified at the time* the returning officer was called upon by the writ? Either dates, testes and times, are necessary in all legal proceedings, or they are not. If the former, the very meaning of the writ is, that *at* the time it issues, the officer to whom it is directed, shall proceed to the election, by persons *then* qualified to choose, which no man is, on the contrary, *after* the election or poll is began. It is necessary when we make use of the words *at* and *before* the election, that we should accurately mark their meaning, and the committee in 1774 determining that a candidate appeared in time *at* any advanced stage of the poll, a distinction must be made between him and electors, who being called upon

at the teste of the writ, thro' the medium of the returning officer, must *then* be admitted to vote, which no man can be who is admitted to his freedom any how *afterwards*.

Every precaution in favor of liberty, and to discourage influence, should be taken with the utmost care.— It is a rule in jurisprudence, that the scales of justice should be suspended without favor or affection; and tried by this rule, no man made free *at or during* an election, and not *before* the day appointed for it, should have a right to vote.

Let us now examine the contour of a reform, as to the right of electors in Bristol, thus suggested to be indispensibly requisite from the premises already laid down.

We have seen the evils produced by impostors personating freemen, the shameful perversion of the marriage institution for the most illiberal of purposes, and the facility with which these impostors often escape detection. To these may be added the evil of collecting non-resident freemen from distant parts, who by their voluntary absence from the city of which they were made free, have renounced their privileges as freemen, which they may retract by residence. Such freemen as frequently impose on a candidate by a false pretence to a right which they do not possess, and they fill the city to the inconvenience of the industrious inhabitants, during the unlimited time of a contested election, which has been known to last 32 days. This inconvenience, as well as the concomitant practice of purchasing votes, by paying the expences of making men free,

free, whereby a candidate may be self-elected, requiring correction, any mode by which a reform may be brought about is justified by the necessity of the occasion. If none should vote at any future election but such as have been *free and resident in the city*, within a given time before any future election, whether they be free by marriage, purchase, or otherwise, *before the teste of the writ*, a stop would then be put to the collecting the Lord knows who, into a lawless rabble from distant parts. The forms of marriage would neither be abused, nor violated, and nothing occasional be thought of. Perjury would abate in quantity, oaths be held more sacred, and corruption greatly prevented. Freeholders and burgesses in the purity of their names would then vote in peace, conformably to their oaths, and influence be confined to a comparative few. Paupers, strangers, and impostors, would be kept back from voting; and candidates stand forward to thank only those who had a clear right to vote, without risking an injury to their peace of minds; their private fortunes, or the distress of their friends. The time of election would shorten itself, and almost all those feuds and animosities, which on former occasions have distracted the people of Bristol, be annihilated; or should, in addition to these provisions, an example be taken from the act of 11th, Geo. I. in respect to London, and the time of election in Bristol be limited to eight days, it would be more than sufficient for every resident freeman to poll in, with credit and reputation.

Should however the favorers of faction and confusion contend that a reform to so desirable an end would abridge the rights of freemen, by cutting off the votes of non-residents on the one hand, and discouraging the admis-

tion of men to their freedoms *after the teste of the writ*, whether by right of marriage or otherwise, on the other, it may be answered, that *all* their rights are preserved, which they are entitled to by their freedoms, for their good as *inhabiting citizens*, except that of voting, which cannot be material to them, after the proof they have often given that they prostitute and abuse such right to the end of drunkenness and disorder. Besides a reform in this way is countenanced by precedent and example; and no man, however lustfully fond of liberty he may be, can conclude that it would be an abridgment of a virtuous right, to promote the peace and harmony of the city, by cutting off the votes of the non-resident *idle and dissolute* freemen, or by suffering those only to poll whose right of voting accrued *before the teste of the writ*.

be admitted on all the grounds on which he was admitted in the case of the late Mr. Beckford, and that the committee should be empowered to make such regulations as they may think proper for the better regulation of the election.

The candidates should be produced and sworn to. This they did, knowing Mr. Cruger was not nor had been produced and Mr. Beckford and Mr. Darnley complied on their parts, but on the committee's refusal to return Mr. Cruger, these agents petitioned against his return.

SECTION V.

IN the Bristol case before the Common's house, in 1774, it appears that the petitioner grounded his complaint on the charges of bribery, bad votes, and the admission of men to freedoms *after* the *test* of the writ. But the committee passing them over, and determining in favor of the sitting members, as in a former section, there is little or no reason to suppose that a petition on similar grounds against the late return of Mr. Cruger, will be more successful.

If the defeated candidate who has presented one raise his hope of succeeding in it, on the *absence* of Mr. Cruger, who consequently could not take the candidate's oath, either *before* his election began, or *before* it closed, his fabric will probably be baseless. In the great contest in 1754, Mr. Richard Beckford was named as a candidate. He was in Jamaica at the time, and his brother William thanked the electors for their nomination of him. He was afterwards elected. No candidate's oath could be taken by him: nor was any required from him. Yet regardless of this case, a late unsuccessful candidate in Bristol, who in justice to his character it must

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be admitted on all sides, conducted himself on the canvass and the poll, in all the unaffected ease and affability of a gentleman, suffered on the very close of the business his agents to move that the qualifications of the candidates should be produced and sworn to. This they did, knowing Mr. Cruger was not nor had been present, and Mr. Brickdale and Mr. Daubeney complied on their parts, but on the non-compliance of the *absent* Mr. Cruger, these agents protested against his return.

The law certainly requires that a candidate at the *reasonable* request of any two persons having a right to vote, shall swear to his qualification at the time of election, or before the time prefixed in the writ, and that on a *wilful* refusal, his election and return shall be void. Mr. Cruger then being absent on the making this motion and the election about to be closed, the same was *unreasonable*, because it could not be complied with by an *absent* man. If it were made as a ground of objection to the eligibility of Mr. Cruger it defeats itself, it not being reasonable to require that to be done by an absent man, which he can only do in person, and it is a little comical that any two voters should move at the close of a long and tedious poll, for what ought to have been done, if at all reasonable or necessary, on the opening of it. Mr. Cruger was proposed as a candidate, and his brother (the Col.) publicly informed the voters that he had the honour to stand before them for him. He could no more comply with a motion of the kind in the beginning than at the end of the poll, and it would then have been equally unreasonable as afterwards. But Mr. Daubeney made sure of his return when the election began, and finding his mistake near the end of it, he suffered this
motion

motion to be made, doubting the eligibility of his competitor. No candidate can be said *wilfully* to refuse complying with a law, until he have the opportunity of exerting *his will*, which Mr. Cruger not having, the motion was every way unreasonable.

Let us yet suppose it was made for forms sake, the question then is, can the sheriffs legally return an absent man as chosen by the electors merely because he is not present to take the oath of qualification? Most assuredly they can, if no other point of disability appear against him. The sheriffs have no power in this particular, but must return the man who has a majority of votes, and it remains for him to establish his right to sit in parliament by there giving in an accurate account of, and swearing to his qualification. So that as Mr. Cruger was not in a situation to do this on his election before the sheriffs, he cannot take his seat in the house until he do it there, where any objection may be made to it, but no where else. The clause in the act of 9th of Anne, requiring an oath of qualification before the sheriffs, was probably inserted to prevent unqualified men from giving unnecessary trouble or putting the candidates to wanton expences, as might otherwise be done. But where a gentleman is so well known as Mr. Cruger, who has already been in parliament for Bristol, a request to him to take it, even had he been present, would have been rather indelicate. Neither Mr. Brickdale nor Mr. Daubeney were called upon by Mr. Cruger's friends to take such oath. They took it voluntarily, and at the meditated instance of their own servants, in order to induce the sheriffs to require the same from an absent man, and to answer some future purpose.

Mr.

Mr. Daubeney thus appearing to have no reason to expect success under a petition, on the ground of Mr. Cruger's absence, he can only expect it on the ground of admitting freemen to vote after the teste of the writ, who have been made so at the expence of a candidate. This is undoubtedly wrong; but it being in a degree warranted against him by his own act in giving the example to his competitor, it may be well thought that a committee will treat it with silent indifference, as they did a similar ground in Mr. Brickdale's petition in 1774. Whenever a man complains of unfairness, he must approach his judges with clean hands, and as Mr. Daubeney and Mr. Cruger may be found, on a rigid investigation, to have acted nearly alike in order to gain the election, as well in respect to bad votes, and their procuring men to be made free by marriage and otherwise; *after* the teste of the writ, Mr. Daubeney seems to have as few and trifling grounds for petitioning against the return of Mr. Cruger, as Mr. Cruger would have, (in case he had failed) against Mr. Daubeney. Why then should he petition at all? If for the purpose of forcing an enquiry into the demerits of the mode of electing, and to induce a committee to propose a bill to parliament to limit and regulate it in future, he is highly to be applauded, and he ought to have the assistance of every good man, like himself, to support it. But if with a view to make void the return of Mr. Cruger, he may add to his present disappointment, and leave his party to lament that they had not rather lulled themselves into peace and silence, than sacrificed their money to the purposes of attornies, agents, and other professional men, who at best draw their supplies from their vain, infirm, or ambitious employers.

SECTION

SECTION VI.

WITHOUT enumerating the various laws which shew the great care that has been taken to secure the freedom of elections, and make them, not the elections of men, who from the indigence of their condition have no will of their own, but the elections of those only who have property to preserve; it is principally to be lamented that all undue influence upon electors has never yet been, as it ought to be, prevented. It is universally known to be illegal, and strongly prohibited; but such is the depravity of mankind, that no prohibition has hitherto been sufficient to guard effectually against it. No lord of parliament, lieutenant of a county, officer of excise, customs, stamps, and certain other branches of the revenue, has any right to interfere in elections, and they are subject to penalties if they do. This seems to prevent one part of the legislature from the suspected influence of either of the other; but in spite of these penalties and all those in particular to which candidates are liable for corrupting the electors, resolution and integrity have always been wanting to inflict them. Secured as the electors are by law from the interference and persecution of the lords, and officers of

the revenue, they nevertheless co-operate with candidates in the infamous practice of bribery, which prevails at almost every election in the kingdom, and reconciles the conscience to the deposition of an oath.

At the late election in Bristol the fact was suspected and generally believed. Money and entertainment were said to be given to the electors, by the candidates, or their agents, and they were procured in distant parts as the electors of a particular man, in so much that those among them who gave free scope to their inclination and voted against him, were deemed opprobrious. The very agents of the competitor who encouraged it, were branded with the names of rascals and robbers, because the bribing purchase money was justly lost with the votes. If the giving money or entertainment, offices, employments, or rewards, to electors, be bribery, what man in his senses will say that it was not practised at the late Bristol election? or that the election itself was as liberal as it ought to be. Were every other instance to escape notice, the very act of making men burgessees *after* the teste of the writ, and paying the expence of their admissions, with the sole view of obtaining their votes in favour of a particular candidate, is the giving of rewards; and yet tho' this is constantly practised in Bristol, it passes with indifference, and wants only time to establish it into immemorial custom. Thus bribery, and the influence of parties legally interdicted, procure votes which may be otherwise good, and added to paupers, impostors, and men newly married to freemens' daughters, their number will at any election raise a majority in favour of the candidate for whom they are procured.— Thus too are elections at Bristol the mere work of the candidates,

candidates, their friends and partizans, whose corrupt domination is a disgrace to freedom, and oftner converts the electors into slaves, than it meets with resistance from a spirit of genuine liberty.

Every perversion of those legal provisions, whereby the purity and freedom of election would in a great measure be secured, if properly observed, must be prevented, or the fraudulent and iniquitous effects of it will increase, and Bristol on every contest be distracted by the violence of party; as well as dishonored by the wicked practices of contending zealots to serve the cause of their respective candidates. To the great and desirable end therefore of fixing the mode of electing representatives in parliament for that great trading city, whose inhabitants have ever been celebrated for their sobriety, industry and moderation, on a firm and durable basis, it would be well if some among them would co-operate with their present members, and petition parliament for an act, as well to assert the rights of electors, as to make all future elections free and conclusive. At present, altho' the examination of the voters by the sheriffs and the agents of the candidates amount to a scrutiny, the want of a law to warrant the administration of an oath to them, whereby to swear they are burgesses, like unto the oath of a liveryman of London—the want also of a law to confine the date of their admissions to a certain time *before* the teste of the writ, under every title to their freedoms whatever, and to punish imposters, make it nearly impossible to repress the polling of illegal votes, which will ever be tendered, either for the sake of the tempting bribe, under the contrivance of the candidate, or his agents, in the hope of avoiding detection,

detection, or the zeal of a voter on the part of a favorite man, to whom in his intoxicating libations to Bacchus he heartily drinks success. But complete relief may naturally be despaired of, unless either the virtue and uprightness of candidates would guide them to the place of polling with sound hearts and uncontaminating hands, leaving the event of the election to the undebauched and free choice of the electors, or that the contrary were punishable in proportion to the nature of the offence. This might give caution to candidates who often prove the enemies of our liberties by their delusive artifices, the better to bring about their own purposes, distinct and separate from those of their electors. If the source be corrupt the river will be the same, and if there be little or no virtue among the people much cannot be expected in their representatives, by whom they suffer themselves to be deceived. It hence becomes as clear as any problem in Euclid, that the good to be obtained by a reform in the mode of election will be out of all reach, until either an act of parliament pass to limit the right of electors with precision;—to require the bribery oath to be taken by candidates towards those electors; and honesty and firmness be found sufficient to put such an act, as well as every other existing of a like kind, in strict execution.

In the view of this reform, a regard must be had to the conduct of the corporation of Bristol, and of their servants, in the admission of men to their freedoms. It was thought by the sheriffs, at the late election, that if a voter produced his copy and appeared to be the person mentioned in it, he was intitled to vote, and they had no right to enquire how he procured it.——Yet the justice

justice of his title to vote should suffer the strictest examination on a *voir dire*, and if he had imposed on the corporation, by being either under age, a natural son of a freeman, or not born within the precincts of the city, or otherwise, the fact should be sedulously explored by the sheriffs to annul his vote. Indeed it were to be wished that the corporation, in whom the right of granting freedoms is vested, would be strictly cautious on the eve of an election, that all persons applying for them, came rigidly within the description laid down as a ground of their title to them. The most peevish and jealous candidate would then have no reason to complain that freemen were partially made, and their copies, on their tendering to poll, always be considered as granted to men who were well entitled to them.

A jealousy of partiality in the corporation was manifested at the late election, on the tender of a vote from an honorary freeman in favor of Mr. Cruger, which was objected to by Mr. Daubeney; but as it appeared that the member for Gloucester, Mr. Webb, who tendered it, had been free more than twelve months before the election commenced, and that there was no express law which excluded an honorary freeman from voting; but that on the contrary such a freeman had a right to vote and had absolutely voted at divers other places without exception, the sheriffs very properly admitted the vote, which was formerly protested against by Mr. Daubeney, after a short address from Mr. Brickdale to the electors, in which he suggested to them the danger *he* apprehended might be expected from the admission of such votes in future. He thought it would encourage the corporation to constitute them in order to turn an election in favor of

of any given candidate, and that consequently it would have an unjust power in subverting the freedom of the electors. So far as his fears in this instance were founded on a love of liberty and independence, he was much to be commended for thus expressing them. But his premises being rather imperfect, his conclusion was rather ideal. Granting that the corporation could at all times divine and foretell the very moment when a parliament would be dissolved, and that it were immaterial whether an honorary freeman was constituted at any time either before or after an election began to entitle him to vote, the apprehension of Mr. Brickdale would have been truly alarming; but while no freeman, except by birth, servitude, or marriage, can vote, unless he has been so twelve months *before* the election; and while in that case the corporation cannot be supposed to constitute an honorary freeman with a view to obtain his partial vote, and only as a matter of respect, it is not to be thought that such a freeman has not a right to vote at any election. He is either free or he is not. If not, the corporation give him nothing, and insult him by enrolling his name among the names of other freemen to no purpose, instead of testifying their respect by some mark of their favor. When they make him free, they certainly give him something more than a piece of parchment. They admit him to all the privileges of a citizen, and as a recorded freeman of Bristol, Mr. Webb was properly polled, to the disappointment of Mr. Daubeny, whose party had canvassed that gentleman in his favor the day before, but as he had obtained his freedom thro' the interest and politeness of Mr. Cruger, while mayor of Bristol, he said he could not in gratitude vote for any other person.

Thus

Thus then do we see that from the want of some wholesome law marking out the boundaries of men's rights as electors, prescribing fixt and invariable rules for the returning officers to conduct themselves by, and limiting them to the number of residents within the precincts of the city only—that from the want of sufficient virtue in candidates and electors to give a mortal stab to that damnable art of bribery, and a more rigid attention in the corporation to the mode of admitting men to their freedoms, without a capricious receipt or rejection of their claims for partial purposes, every evil arises which it is the interest of all just and candid men to destroy and anticipate previous to a future election. The utter destruction of those evils which stared every one in the face at the last, will promote regularity and good order. The citizens of Bristol will be lulled into tranquility. Freedom rear it's head undauntedly among them, and if party should unhappily continue to prevail there, it will have no opportunity of dividing the electors into clans, disturbing the quiet of the city at large, or playing those electioneering tricks to ensure the election of any given candidate, which have heretofore been meditated and practised under the boasted, but accursed stile and title of electioneering fairness.

S E C T I O N VII.

ON the late dissolution of parliament, it was but little imagined that any opposition would have been made to the re-election of Mr. Brickdale and Mr. Daubeney, for Bristol. They had voted with Mr. Fox invariably, and by doing every thing in their power in favor of his East-India bill, they ultimately brought upon themselves the censure of some of their constituents; among whom were many respectable men of judgment, fortune and superior understandings, who cautiously waited to see how far others in Bristol were inclinable to come forward, and after the example of many cities and towns in the kingdom, to address his Majesty on the change of that ministry of which Mr. Fox had formed a part.—Many were ready for this purpose, but as they silently watched for the motion of some leading man, they anxiously looked out for one, until Mr. David Lewis, a citizen of Bristol, and a man of a persevering and public spirit, proposed in a private company an address from that city, which meeting with the universal concurrence of every person present, he procured it to be drawn up at his own expence, and after it was signed by near 2000 of his fellow citizens, he had the honour to attend the
throne

throne with it, in company of Lord Hood, Sir Watkin Lewis, and Thomas Evans, Esq.

Wiser and greater men than himself approved the idea. They proposed another and carried it unanimously. In this he was greatly honoured, and as a friend of Mr. Cruger, he reserved his vote and interest for him against Mr. Daubeny. To this circumstance may the late successful opposition be in some measure ascribed. Mr. Cruger was truly the man of the Bristol people, and no opportunity could have been more flattering to his friends in favor of his election. They embraced it freely and obtained a victory.* Mr. Cruger was returned by a majority of 70 voices, and by the interest of his constituents Mr. Brickdale with him, who would otherwise, had any other candidate earnestly opposed him, have been as unsuccessful as Mr. Daubeny.

Affairs of small beginnings often prove great in their consequences, and light as they may be originally held, they as often prove painful in the end. Mr. Brickdale and Mr. Daubeny trifled with the address to the throne, proposed and presented by Mr. David Lewis, on the
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* There never was an instance when voters appear to have polled under less influence than the present in favor of Mr. Cruger, and indeed many who polled for Mr. Daubeny had the name of Cruger so strongly in their minds, that they nearly pronounced it instead of Daubeny; to the remark of Mr. Brickdale, who notwithstanding what he said in the House of Commons on the electors presenting a petition against him for bribery, appeared to interest himself as anxiously in favor of Mr. Daubeny, as any of that gentleman's most zealous friends.

change of a ministry with which they had voted, because, it was set on foot by a man (as they thought) of no weight in the city of Bristol—a low unlettered man who dealt in old ropes and rags—eggs, butter and brown paper; but finding it productive of another, in the very same spirit, at a meeting especially called for the purpose, and attended by some of the *leading men* in the city, in point of rank, character and fortune, they took the alarm and endeavoured to make their peace with their friends of a club in Bristol, instituted, if I may speak truth, at a former election by the lovers of constitutional principles. Here they repaired on a general expectation of a dissolution of parliament, and here they are said to have explained themselves. Undoubtedly if in voting with Mr. Fox they exerted the real liberty of their will for the supposed benefit of their constituents and their country, agreeable to the utmost stretch of their otherwise disinterested judgments, they voted properly, and were above reproach. They had a right so to do.* But it was not their voting with Mr. Fox in particular, that rendered them exceptionable to their constituents. It was their apparent dislike of their constituents address to the king, on the change of that ministry with which they had voted. Yet on issuing the writ for the late election of members for Bristol, their being attended on the Exchange there, by certain of the gentlemen who had, in example of Mr. David Lewis, promoted and signed a *second* address to the king, was so glaringly inconsistent in the minds of the constituting body of electors,

* See my letter to John Horne Took, Esq; on the responsibility of members of parliament.—Published by Stockdale, Piccadilly.

electors, that they remarked it with disdain. "What," said many of them shall we vote for men, who after we have addressed the king on the change of a ministry, have voted with it to the very last?—shall we stamp with ignominy and folly our thanks to the throne, by voting for men, who discountenanced us, merely because they are named to us by some of those *leading* characters, who knowing their principles in regard to Mr. Fox and his India bill, had nevertheless marked their dislike of each by their *second* address? No said they. If these men had really acted from their consciences before any address had been presented, and had been silent afterwards, they would have merited our praise, but having voted throughout in contempt of them, they are unworthy our re-election, notwithstanding the countenance they received on their nomination, by the presence of any man, however respectable." In this way they reasoned, and Mr. Daubeney lost his election in consequence, (as Mr. Brickdale would have done with him, except for the interest he derived from many of Mr. Cruger's votes;) and he was left to lament that he had disobliged his constituents by his conduct in the last parliament, in proportion as he wished to have a seat in the present, or to treat his ill success with indifference accordingly as he gloried in what he had done. His petition however against the return of Mr. Cruger is no proof of the latter, if altogether an act of his own, as it carries on the face of it signs of chagrin and disappointment. It charges Mr. Cruger with being ineligible, because he is destitute of a qualification, and he is an *unnatural* subject. If he be so, his father-in-law Mr. Peach, a man of exemplary character and fortune, and all his

friends will become highly reprehensible for naming him and procuring his election, at an expence to themselves and a degrading disappointment to him. On the contrary should it prove, that he was well qualified to be elected, the petition will appear vexatious and frivolous; and indeed except on the general charge of bribery if we examine seriously into his ineligibility for want of a sufficient annual income, or for being a subject of the United States of America, and not of England, it seems for ought that at present appears to the contrary to be impossible. In regard to his qualification it was produced on the day of his return, and will be produced on the hearing of the petition. It is idle to ask how a qualification is acquired. It is one, or it is not, is all that is necessary to be known, and being known, it is immaterial in what manner or from whom it was derived; and in regard to the alledged renunciation of his allegiance as a natural born subject of this country, by a supposed deposition of allegiance to the Congress of America, a country in which he was born, while dependent on and it formed a part of Great-Britain, the same is absurd, and bears no relation to truth. But supposing he had sworn allegiance to Congress as pretended, the oath may have been so qualified as not to amount to a renunciation of his allegiance in this country; and at all events as the separation of a dependent territory on Britain, is a new case in politicks—as America, tho' now acknowledged to be independent of that kingdom, is a country like unto our own, peopled as it were by our fellow countrymen, who speak our language, bear our names, profess our religion, and are governed in a like way, it is a point on which much remains to be said, to prove that the taking an oath by any man, who had landed
property

property there; while under the dominion of Great-Britain, for the sake of preserving it, after the acknowledgment of independence, amounts to a renunciation of his allegiance as an Englishman. We have yet no reason to conclude, because America has obtained her independence on Great-Britain by *mutual consent*, that she is to become, like France or Spain, a natural enemy in spirit, genius and disposition—in laws, religion, constitution and views. It is rather to be believed, she will become a co-operating friend, under the cement of a fœderal union; is it to be inferred then that in such a case, new as it is in the annals of this country, that an Englishman's taking an oath to Congress would be a renunciation of his allegiance in England?—But as Mr. Cruger has taken no such oath, and if the contrary, as we have no copy of the words of it, nor are acquainted with the kind of one that is prescribed, by way of legation between the sovereignty of America and her subjects, and supposing we were acquainted with all this, as Mr. Cruger has not taken it, all that has been said by Mr. Daubeny and his friends in conversation, or in his petition, is a *gratis dictum*, introduced and set up for the purpose of giving a flaming gloss to Mr. Daubeny's complaint, and to hold Mr. Cruger up to censure, as a *national apostate* for the pretended sake of landed property in America, at a time he had no right to any in England, where he instantly after became ineligible. The device in this part of Mr. Daubeny's petition is more curious than substantial, and so far as it may be deemed an electioneering *trick* it is by the modern laws of candidates *all fair*. But as Mr. Cruger is now returned to England and has taken his seat in parliament, it remains for him to defeat Mr. Daubeny's pretensions on the grounds

grounds of forfeited or abrogated allegiance, or if conscious of his ineligibility as *an alien*, to blush for his presumption in daring a solemn enquiry into the fact, at the risk of his reputation as an *Englishman*, a *merchant* and a *man*.

to consider, because America has obtained independence on Great-Britain by mutual consent, that she is to become, like France on Spain, a natural enemy in spirit, in arms and disposition - in law, religion, constitution and views. It is rather to be believed, she will become a co-operating friend, under the cement of a federal union; as it is to be insisted that in such a world, new as it is in the annals of this country, that an Englishman's taking an oath as Congress would be a renunciation of his allegiance in England? But as Mr. Cruger has taken no such oath, and if the contrary, as we have no copy of the words of it, nor are acquainted with the kind of one that is prescribed, by way of tests - men a takes the sovereignty of America and her subjects, and supposing we were acquainted with all this, as Mr. Cruger has not taken it, all that has been said by Mr. Dabney and his friends in conversation or in his petition, is a gross misstatement, introduced and set up for the purpose of giving a flattering gloss to Mr. Dabney's complaint, and to hold Mr. Cruger up to censure, as a national offender for the pretended sale of landed property in America, at a time he had no right to any in England, where the infant colony became ineligible. The device in this part of Mr. Dabney's petition is more obvious than substantial, and so far as it may be deemed an affecting trick, it is by the modern laws of candidate's affairs. But as Mr. Cruger is now returned to England and has taken his seat in parliament, it remains for him to defend Mr. Dabney's pretensions on the grounds

SECTION

S E C T I O N VII.

IN fine and as well in regard of Mr. Daubeny's petition as to the peace and welfare of the city of Bristol, it is agreed on all sides that something is necessary to be done by parliament to regulate the mode of elections there. It is not because certain citizens shall contend for a continuance of the present, for the sake of what they call a circulation of money—it is not because the limiting the number of voters to residents in the city or suburbs, or confining the time of polling to eight days may displease the out-voters who *voluntarily* reside in distant parts, that this should not be done. If we were to make our appeal to these voters there would be no reform; but the interest of the *aggregate whole* would result from a change of those proceedings, at present so much the cause of censure and complaint.

What has already been practised is supported by precedent, but no precedent or custom, however old, if it be productive of evil, should remain unshaken or undestroyed. A remedy is wanting some where, and as the disease is in these sheets pointed out and probed, if the reform proposed be deemed insufficient to the cure, the

author

author sincerely hopes that the door he has opened towards it, will be entered by those as willing as himself to contribute to the establishment of the peace, purity, and freedom of elections throughout the community; and that the day will come, when his countrymen will have virtue enough to despise the infection of influence, and dare be free.

At present rancour and animosity prevail too much in a contested election, and scandal and abuse take place of candor and benevolence. Enough was seen at the last to excite our disapprobation. Constituents were converted into a mere rabble. Their extravagant freedom was enjoyed in confusion. They boasted of its reality, and were glutted with its name. Commanded by their rulers they were hustled into cabals under opposite interests, and coaxed to the election bar, there to vote in the interest of separate parties, raised on the conflicting principles of religion and politicks. On these are founded enmity and malevolence; and partizans, like zealots, wage a woeful war, making an appeal as it were to the God of battles, supposing their cause to be just, but forgetting at the same time, that they are entitled to each other's mercy and indulgence, for their attachment to men and principles, which separately they think are right, tho' every way opposite.

At the late election, friends and foes were mingled together in favor of particular candidates, and their anxiety in the cause they engaged in, stifled in a degree the ill-will that previously subsisted between them; but nothing is more remarkable on the ground of candor and consistency, than the private reprobation of particular

particular men, the instant Mr. Daubeny's ill-success appeared and ever since Mr. Cruger's return. The fact is notorious, that those men who suggested the idea of the *first* address, which was generally approved, and who not only procured it to be signed and presented to the king, but greatly assisted in procuring votes for Mr. Cruger, have been since censured by some of their companions; a circumstance no otherwise to be accounted for, than from the capriciousness of the human heart, which in a moment can so far see thro' a prevaricating medium, as to make the same men, and the same conduct, look the reverse of what they both in reality are.

If the promoters and subscribers of the first address acted with the freedom of citizens—if their idea of one was approved, and they were encouraged in carrying it to the throne, those who approved and encouraged them in all this, ought not at any time after to reprobate them for it. As freemen of Bristol they not only had a right to vote for Mr. Cruger, or any candidate they pleased, but to exert their interest for him, and those who set their faces against them, either for suggesting, promoting and presenting such first address, or for voting and serving Mr. Cruger by every means in their power, ought to stand corrected in their own minds for so doing, and learn to know better.

In this way do we see the degrading effects of party in religion and politicks; but better would it be that their very names were obliterated from the ideas and languages of men, than that they should produce such vicious, irreligious and impolitic consequences. Liberty which has ever sanctified the name of Britons, is in a degree

rendered a mere mockery, whereby and by the folly and corruption of the people, many improper time-serving and iniquitous characters get into power, which they employ more to gratify their vanity and their own private purposes than to promote the public good.

Indeed nothing is wanting among Englishmen but virtue, as well to bring about a reform in the mode of elections at Bristol, as to silence all their idle complaints of public abuses above, which arise from the covetousness, luxury, pride and wickedness of themselves.

The late poll in Bristol affords a proof among many other things, that the freedom of electors, and the virtue of those who offer themselves as candidates, are too often alike presumptive. The election there, as in many other places, commences in the private conventicles of separate parties, who live together in a state of religious and political aversion; and between presbytery malevolence and prelatic pride, a contest for members becomes inveterate; candidates and constituents are alike seduced from the paths of virtue and fairness, and the struggle for power produces infamy and vice.

As if the agents and friends of Mr. Daubeny were bent on securing at all events his return, they heaped up scandal on Mr. Cruger and libelled him in his absence as a violater of common decency towards the sovereignty of his country, but his character and conduct, in England and America, not requiring the fulsome puffs of flattery, rose superior to the daubings of a slanderer. Truth prevailed over falsehood, and all the wicked charges brought against him, by those who were not resolute enough

enough to avow themselves and their calumnies, died away in contempt. There is scarce a friend who interfered on the part of Mr. Cruger, but they have bespattered with their abuse, and the poison of asps is under their tongues; which is the less excuseable, because altogether unprovoked by the behaviour of Mr. Cruger's friends and agents, who on the contrary, it was generally remarked, demeaned themselves with more moderation than has been usually known on a like occasion.

Friendship and zeal when they do not run away with a man and lead him into acts of disorder, folly, abuse and injustice, are ever an apology for his partiality and predilection; but when they outfly their bias, they expose him to reprehension. While therefore they often merit censure, a word or two respectfully hazarded, by way of prevention, may not be unwelcomed. It is as natural to us to wish well to our friends, as it is to wish for our own happiness, which every man has a right to pursue in the way that is most agreeable to him. But it is by no means warrantable in us to do any thing rash or immoral, either to produce our own ends, or to raise our happiness at the expence of others. It is full enough that a candidate resolves to stand the ordinary trouble and expence of a contest or competition, with another gentleman—it is full enough that his friends and agents exert themselves with candour without influence, and see *fair play* throughout the whole course of an election, leaving the electors to their free choice to gain him his return with honor and repute, or involve him in a minority of votes, without reflection upon his conduct. But where there is a total neglect of this, and the very reverse is adopted and practised, it subjects him as well

to the condemnation of all moderate and impartial men, as to the grossest abuse of character.

How different would it then be with him were he, on the proclamation for an election, to offer himself to the electors as a man who gloried as much in the rectitude of conscience, as he despised the defamation of a competitor, and determined to stand or fall in his canvas, and poll by the merits of what his character, conduct and political fitness might truly be—how different would it be were he to muffle the tongues of all slanderers in his cause, and freeze up by his interdiction the liquid blasts of scandal against his compeer. The effusions of a paltroon would then be spared, and all the *little* spite and spleen of *little* beings, who move in *little* spheres, and whose thoughts are as *little*, as the *little* of all *little* animals above the brute, would evaporate in self contempt. But as weak and uninformed minds are never used to correct themselves, time only makes them sensible of their deficiencies, and they feel a punishment in the derision of others, for what they wanted prudence and good sense to avoid; thus rushing, from the force of present temptation, into that conduct which is punished, like all human crimes, at a time the delinquent has it not in his power to undo it.

Is there a man, for example, who on behalf of Mr. Daubeny has spread his petulance in holes and corners against Mr. Cruger, but now laments it? Will Mr. Daubeny himself (and the question is most respectfully asked) if defeated in the purpose of his petition, not regret presenting it to the House of Commons, subscribed by his own name, and say that he has been induced too
hastily

hastily to complain against an absent man, who was unacquainted with his election and never meant Mr. Daubeny harm? Nay, will there be an attorney, agent, or other person, who has busied himself on Mr. Daubeny's part, and attempted to asperse characters every way out of his reach, but will take correction to himself, and exclaim that he has said those things which he ought not to have said? If there be, reflection must seldom hold up a mirror to him, or he must want that virtuous modesty on which a sense of shame is impressed by the recollection of a rash and licentious procedure.

A great deal has been said of *character, respectability* and *fortune*—and ENVY, as beautifully described by the Latin Poet, wept the more in the course of the late election, because it found little to weep at. Mr. Cruger was considered, not so honorable a character as a *cypher*, but a *rebel*, and every way unfit to represent Bristol in parliament. Men of a particular complexion held him in no esteem, and tho' the *great body of electors* who are comprized of honest artizans,—industrious laborers, and *common* men, by the toil of whose arms their country derives a constant benefit, were his friends and voters, they were deemed insignificant, and Mr. Cruger a nullity, merely because in the number of his well-wishers there were *fewer Gentlemen* than in the number of Mr. Daubeny's. But in this vain glorious trust these good men were deceived, and like the General who holds his enemy in disdain, it lost Mr. Daubeny his election, in spite of all that *superior* interest he was taught to believe he had, under men of *character, respectability* and *fortune*, whose power proved *inferior* to that of the electors in favor of Mr. Cruger, and thence convinced them that

men

men of *character, respectability and fortune*, merely as such, were not of that weight they thought in the city, where *such a rebel—such a cypher—such a man as Mr. Cruger*, who had few men of *character, respectability and fortune* in his interest, was in fact the man of the *common people*, and chosen by them as representative for Bristol.

This experience may have a good effect: It certainly offers a lesson by which an opponent may cease in future to promise himself success on the abasement of his competitor, and if properly remembered it may, in addition to the destruction of party rage, produce excellent consequences; not only by the nomination of candidates who will *treat each other with equal respect*, but by the abatement of that vulgar abuse which disgraces the name of freedom, and brings down the censure of every exalted and unimpassioned mind.

In a word and as in the motto prefixed to these observations, it is said,—If the truth appear, give your assistance freely to support it, but resist the contrary, so they may not be improperly concluded by the following:

*Si quid novisti rectius istis
Candidus imperti, si non his utere mecum.*



F I N I S.

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